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Chairperson: Mr. Penke (Latvia)

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The meeting was called to order at 10.40 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/64/L.52, L.58 and L.59)

Draft resolution A/C.3/64/L.52: Office of the United Nations High Commissioner for Refugees

1. **The Chairperson** said that the draft resolution had no programme budget implications.

2. **Mr. Khane** (Secretary of the Committee) recalled that Albania, Algeria, Angola, Armenia, Azerbaijan, Belarus, Belize, Benin, Burundi, Cape Verde, Chile, the Congo, Costa Rica, the Dominican Republic, Ecuador, Ethiopia, France, Guatemala, Haiti, Ireland, Kenya, Kyrgyzstan, Lesotho, Liberia, Malawi, Micronesia (Federated States of), Montenegro, Morocco, Panama, the Republic of Korea, Rwanda, Sierra Leone, Thailand, the former Yugoslav Republic of Macedonia, Togo, Turkey, the United Republic of Tanzania, the United States of America and Zambia had joined the sponsors of the draft resolution when it had been introduced.

3. **Mr. Metso** (Finland), announcing that Brazil, Colombia, Greece and Malta had also joined the sponsors, said that the draft resolution was essentially a way for the General Assembly to continue supporting the United Nations High Commissioner for Refugees and the Executive Committee of the Programme of the United Nations High Commissioner for Refugees. Each year, the draft resolution focused on key policy issues, while matters requiring particular attention by the General Assembly were included in line with changing conditions. Work on the draft resolution was characterized by a genuine commitment to refugees, as demonstrated by the large number of delegations that had already joined the sponsors. His delegation thanked all delegations for the constructive spirit they had shown during negotiations and was confident that the Committee would adopt the draft resolution by consensus.

4. **Mr. Khane** (Secretary of the Committee) announced that Burkina Faso, Cameroon, the Comoros, the Czech Republic, the Democratic Republic of the Congo, Guinea, Ireland, Israel, Mali, Mauritania, Mexico, Mozambique, Namibia, Niger, Nigeria, the Russian Federation, Seychelles, Sri Lanka, the Sudan, Swaziland, Timor-Leste, Uganda, Ukraine and Uruguay had joined the sponsors of the draft resolution.

5. *Draft resolution A/C.3/64/L.52 was adopted.*

Draft resolution A/C.3/64/L.58: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

6. **The Chairperson** said that the draft resolution had no programme budget implications.

7. **Mr. Khane** (Secretary of the Committee) recalled that Afghanistan, Albania, Belarus, Benin and Ecuador had joined the sponsors of the draft resolution when it had been introduced.

8. **Ms. Klopčič** (Slovenia) said that Turkey had joined the sponsors. The draft resolution took note of her country's request, communicated in a letter dated 10 March 2009 from the Permanent Representative of Slovenia to the United Nations addressed to the Secretary-General (E/2009/47), to become a member of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees. It also took note of Economic and Social Council decision 2009/252, which had been adopted by consensus. Slovenia, which attached great importance to the Programme of the United Nations High Commissioner for Refugees, stood ready to cooperate fully with all members of the Executive Committee in order to find constructive solutions to the challenges facing the Programme. Her delegation hoped that the General Assembly would give favourable consideration to its request and that the draft resolution would be adopted by consensus.

9. **Mr. Khane** (Secretary of the Committee) said that Bangladesh, Cameroon, Chile, Mali, Morocco, the Sudan and the former Yugoslav Republic of Macedonia had joined the sponsors of the draft resolution.

10. *Draft resolution A/C.3/64/L.58 was adopted.*

Draft resolution A/C.3/64/L.59: Assistance to refugees, returnees and displaced persons in Africa

11. **Ms. Sulimani** (Sierra Leone), introducing draft resolution A/C.3/64/L.59 on behalf of the Group of African States, said that Denmark, Estonia, Finland, Greece, Poland, Portugal, Slovakia, Spain and Sweden had joined the sponsors. She drew the Committee's attention to the adoption of the African Union

Convention for the Protection and Assistance of Internally Displaced Persons in Africa on 22 October 2009. Focusing on the fourth preambular paragraph of the Convention, she requested the international community to take specific measures to provide refugees, returnees and displaced persons with the protection and assistance that they required. Bearing in mind that a consensus had almost been reached on the draft resolution during informal consultations, she called on the participating delegations to join the list of sponsors. She hoped that the draft resolution would be adopted by consensus, as the previous text had been at the sixty-third session of the General Assembly.

12. **Mr. Khane** (Secretary of the Committee) said that the following delegations had joined the sponsors: Albania, Australia, Belgium, Bosnia and Herzegovina, Cyprus, Democratic Republic of the Congo, Ireland, Japan, Latvia, Luxembourg, Montenegro, Norway, Republic of Moldova, Romania, Serbia, Slovenia and the former Yugoslav Republic of Macedonia.

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/C.3/64/L.53)

Draft resolution A/C.3/64/L.53: Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

13. **Mr. Lukiyantsev** (Russian Federation), introducing draft resolution A/C.3/64/L.53 on behalf of the sponsors, said that Belarus, Benin, Ethiopia, Kazakhstan, Kyrgyzstan, Nicaragua, Tajikistan and Turkmenistan had joined the sponsors. With reference to paragraph 4, he expressed the sponsors' concern at the alarming resurgence of extremist groups, in particular neo-Nazis and skinheads, who committed acts of targeted violence. Such sacrilegious acts benefited those who argued in favour of racial purity and racial discrimination, and gave a deplorable example to young people. Although the issue assumed particular importance on the sixty-fifth anniversary of the victory that marked the end of the Second World War, the sponsors of the draft resolution were not calling on the General Assembly to look to the past, but, rather, to address contemporary manifestations of racism, which must be combated at the national and international level. The Russian Federation supported the activities of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and, on behalf of the sponsors of the draft resolution, welcomed his investigation of the issues referred to in General Assembly resolution 63/162. The sponsors were convinced that the adoption of the draft resolution would make a real contribution towards the elimination of racism, racial discrimination, xenophobia and related intolerance.

14. **Mr. Khane** (Secretary of the Committee) said that Côte d'Ivoire and Nigeria had joined the sponsors.

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/C.3/64/L.54 and L.55)

Draft resolution A/C.3/64/L.54: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

15. **Mr. Hassan** (Sudan), introducing draft resolution A/C.3/64/L.54 on behalf of the Group of 77 and China, said that the draft resolution introduced each year related to the guidance given by the General Assembly to the Human Rights Council on implementation of and follow-up to the Durban Declaration and Programme of Action. The sponsors welcomed the outcome of the Durban Review Conference and underlined the importance of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action. Acknowledging the leadership role played by the Human Rights Council with regard to implementation of the Durban Declaration and Programme of Action, the sponsors requested the Office of the United Nations High Commissioner for Human Rights to provide the Human Rights Council with the necessary resources for it to achieve its objectives in that regard. They also encouraged Member States and other relevant stakeholders to consider implementing the recommendations contained in the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He hoped that the draft resolution would be adopted by consensus.

16. **Mr. Khane** (Secretary of the Committee) said that the Russian Federation had joined the sponsors.

Draft decision A/C.3/64/L.55: Adoption of the outcome document of the Durban Review Conference

17. **Mr. Hassan** (Sudan) introduced draft decision A/C.3/64/L.55 on behalf of the Group of 77 and China and clarified that it was a draft decision, not a draft resolution. He said that, in paragraph (b), the words "the provisions of" had been deleted and the paragraph should now read: "(b) Decides to endorse the outcome document of the Conference". He hoped that the draft decision would be adopted by consensus.

18. **Mr. Khane** (Secretary of the Committee) said that the Russian Federation had joined the sponsors.

Agenda item 68: Right of peoples to self-determination (*continued*) (A/C.3/64/L.51, L.56 and L.57)

Draft resolution A/C.3/64/L.51: Universal realization of the right of peoples to self-determination

19. **The Chairperson** said that the draft resolution had no programme budget implications.

20. **Mr. Khane** (Secretary of the Committee) recalled that Albania, Bolivia (Plurinational State of), the Comoros, Côte d'Ivoire, El Salvador, Kenya, Togo and Zimbabwe had joined the sponsors of the draft resolution when it had been introduced.

21. **Mr. Tarar** (Pakistan) said that the Central African Republic, Guinea, Liberia, the Libyan Arab Jamahiriya, Somalia and Uganda had also joined the sponsors. The right of peoples to self-determination, which occupied a central place in international law, was the cornerstone of the Charter of the United Nations and the International Covenants on Human Rights, and had been affirmed and reaffirmed by the United Nations, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference. The 2005 World Summit Outcome had also recalled the need to respect the right to self-determination of peoples under foreign occupation or colonial or foreign domination. The fact that the draft resolution had been adopted by consensus every year since the 1980s both epitomized the General Assembly's consistent reaffirmation of the fundamental principles of the Charter of the United Nations and served as a reminder that the international community did not tolerate any act of foreign occupation or domination. His delegation hoped that the draft resolution would be adopted, as usual, by consensus.

22. **Mr. Khane** (Secretary of the Committee) said that Burkina Faso, Dominica, Ghana, Grenada, Seychelles, Sierra Leone, the Sudan, Timor-Leste and Venezuela (Bolivarian Republic of) had joined the sponsors of the draft resolution.

23. *Draft resolution A/C.3/64/L.51 was adopted.*

24. **Ms. Schlyter** (Sweden) speaking in explanation of vote on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process country Montenegro; and, in addition, Iceland, Norway, the Republic of Moldova and Ukraine, said that, for the European Union, the right of peoples to self-determination was a fundamental principle of international law that remained highly relevant in the current international context and therefore deserved the closest attention of the international community. Article 1 of the Charter of the United Nations clearly illustrated the link between respect for the principle of self-determination and the strengthening of universal peace. The right to self-determination was also firmly established by the common articles of the International Covenants. Respect for the right to self-determination was closely associated with respect for all human rights, democracy and the rule of law. The European Union would have welcomed an opportunity for constructive discussion of the issue, given its importance. It considered that the main focus of the draft resolution remained too narrow, that all peoples had the right to self-determination and that that right should be exercised in accordance with international law. It would have preferred the draft resolution to reflect more clearly the need for the right to self-determination to be exercised in accordance with international law. The text also contained inaccuracies. In particular, the right to self-determination, as embodied in the International Covenants, was a right of peoples, not nations. Moreover, it was incorrect to suggest that self-determination as such was a precondition for the enjoyment of other fundamental rights. In addition, the European Union would have preferred the draft resolution to mention the right of return. A discussion between the sponsors of the draft resolution and other interested delegations would allow the text to be modified; its wording did not reflect

recent developments on the ground or the general recommendations and jurisprudence of treaty bodies. The European Union hoped that the next year's draft resolution would be a more effective instrument that would encourage all States to respect their obligations in that important area.

25. **Mr. Díaz Bartolomé** (Argentina) said that his country supported the right to self-determination of peoples still subject to colonial domination or foreign occupation, and that that right should be interpreted in accordance with the purposes and principles of the Charter of the United Nations, General Assembly resolutions 1514 (XV) and 2625 (XXV), and other relevant United Nations resolutions. In the same way, the Argentine Republic considered that draft resolution A/C.3/64/L.51 should be interpreted and implemented in accordance with the relevant resolutions of the General Assembly and the Special Committee on Decolonization, all of which highlighted the special situation of the Malvinas Islands. Resolution 2065 (XX) of 1965 and subsequent General Assembly resolutions on the question of the Malvinas Islands, as well as the resolutions on the same issue adopted by the Special Committee, expressly recognized the existence of a sovereignty dispute between the Governments of Argentina and the United Kingdom, and noted that the way to resolve that dispute was through the resumption of negotiations with a view to finding a just, peaceful and lasting solution as soon as possible, taking into account the interests of the islanders. Exercising the right to self-determination presupposed that there was an active subject in the form of a people subject to alien subjugation, domination and exploitation, as defined in paragraph 1 of resolution 1514 (XV). Without such a subject, there was no right to self-determination. The Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were unlawfully occupied by the United Kingdom of Great Britain and Northern Ireland, which had expelled the local population and replaced it with its own population, which meant that the right to self-determination did not apply to the question of the Malvinas Islands.

26. **Mr. Sammis** (United States of America) said that his country had joined the consensus on the draft resolution because the right of peoples to self-determination was important. However, he agreed with the other delegations that had said that the text contained significant misstatements of international law and was no longer consistent with current practice.

Draft resolution A/C.3/64/L.56, The right of the Palestinian people to self-determination

27. **The Chairperson** noted that the draft resolution had no programme budget implications.

28. **Mr. Khane** (Secretary of the Committee) recalled that the following countries had joined the list of sponsors when the draft resolution had been presented: Antigua and Barbuda, Armenia, Belize, Brunei Darussalam, Burundi, Cape Verde, Central African Republic, Croatia, Democratic Republic of the Congo, Gabon, Ghana, Iceland, Italy, Jamaica, Lesotho, Liberia, Liechtenstein, Monaco, Norway, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland and Uzbekistan.

29. **Mr. Attiya** (Egypt) noted that Austria, Bulgaria, Burkina Faso, Chad, Montenegro and New Zealand had joined the list of sponsors of draft resolution A/C.3/64/L.56. Recalling that the Palestinian people had been living under Israeli occupation for more than 40 years, he said that he hoped Member States would demonstrate their solidarity and support by adopting the draft resolution by consensus, so that the Palestinian people could exercise their right to self-determination in their territory and create their own viable, sovereign and independent State, with East Jerusalem as its capital.

30. **Mr. Khane** (Secretary of the Committee) announced that Bolivia (Plurinational State of), El Salvador, Grenada, Hungary, Latvia, Lithuania, Serbia, Seychelles, Solomon Islands, Ukraine and United Kingdom of Great Britain and Northern Ireland had joined the list of sponsors of the draft resolution.

31. **Ms. Shahar** (Israel) requested that a recorded vote be taken on the draft resolution.

32. **Mr. Sammis** (United States of America), speaking in explanation of vote before the voting, said that his country — which was committed to the principle of the peaceful coexistence of two States — provided significant financial support to the Palestinian Authority, while also supporting the State of Israel. It was discouraging to see that the text of the draft resolution was unbalanced, prejudged the outcome of permanent status issues that should be resolved through

bilateral negotiations, and undermined the credibility of the United Nations.

33. **Ms. Shahar** (Israel), speaking in explanation of vote before the voting, recalled that her country had recently reiterated its desire to reach an agreement based on the peaceful coexistence of two States and, to that end, had called for the resumption of negotiations. Only bilateral negotiations would enable progress to be made towards that end, and the adoption of one-sided resolutions that exempted the Palestinian people from any obligation towards Israel did not serve the cause of peace. Therefore, Israel would be voting against the draft resolution.

34. *A recorded vote was taken on draft resolution A/C.3/64/L.56.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Botswana, Cameroon, Canada, Tonga, Vanuatu.

35. *The draft resolution was adopted by 171 votes to 6, with 5 abstentions.*[1]

36. **Mr. Quinlan** (Australia) said that his country supported the Palestinian people's right to self-determination and was convinced that the only way to build peace between the Israelis and the Palestinians was a two-State solution, so he urged the two sides to resume negotiations. Although Australia had been a long-time supporter of the draft resolution at hand, it had abstained from voting after 2004 because it did not agree with the advisory opinion of the International Court of Justice mentioned therein. However, it was now of the opinion that that issue alone no longer justified such a position, and had voted in favour of the draft resolution.

37. **Mr. Díaz Bartolomé** (Argentina), referring to the question of the Malvinas Islands, noted that the exercise of a people's right to self-determination in a territory presupposed the existence of a people subject to alien exploitation and occupation.

38. **Mr. Bahreini** (Islamic Republic of Iran), explaining his vote in favour of the draft resolution, reaffirmed his country's determination to defend the inalienable right of the Palestinian people to self-determination. The essential conditions to a lasting

[1] The delegations of Norway and Botswana subsequently informed the Committee that they had intended to vote in favour of the draft resolution.

peace in the region were the end of the occupation, the return of all Palestinians to their territory, and the creation of an independent State with Al-Quds Al-Sharif as its capital.

39. **Mr. Zvachula** (Federated States of Micronesia) said that his country was committed to the principle of the coexistence of two States and the right of the Palestinian people to self-determination. He nonetheless criticized several of the provisions in the preamble of the draft resolution, since they prejudged the outcome of the negotiations between the two parties, in particular the reference to the advisory opinion of the International Court of Justice. In addition, paragraph 2 of the text endangered the impartiality of the United Nations. As a result, the Federated States of Micronesia had voted against the draft resolution.

40. **Ms. Rasheed** (Observer for Palestine) thanked the around 140 States that had sponsored the draft resolution and everybody that had voted in favour of it. Such broad support would be crucial when the Palestinian people's right to self-determination, which had been brutally denied, was finally established. The statement made by the representative of Israel warranted no other response than that overwhelming vote. On the other hand, Israel's negative vote once again demonstrated that it rejected any peaceful solution based on the coexistence of two States and did not recognize the fundamental rights of the Palestinian people. However, any negotiation must begin with mutual recognition by the two parties. The right to self-determination was an inalienable right of all peoples. The Israeli refusal to recognize that right for the Palestinian people was consistent with its policy of colonizing Palestinian land and the construction of the separation wall. She wondered what would be left to negotiate if the expansion of Israeli settlements continued. She once again urged Israel to stop its illegal colonization campaigns before the resumption of negotiations.

41. She questioned the paradoxical position of the United States — extolling the peaceful coexistence of two States while continuing to vote against a resolution that affirmed the right of the Palestinian people to self-determination. The Government of the United States should review its position on the matter and consider the message being sent by the international community. On the other hand, her delegation welcomed the positive vote from Australia.

42. Only a resolution guaranteeing the rights of both peoples, including the right to self-determination and the right to have a State, would pave the way for peace in the region. The Palestinian people had been fighting for those rights for 40 years and would never give up.

Draft resolution A/C.3/64/L.57: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

43. **Ms. Pérez Álvarez** (Cuba) introduced draft resolution A/C.3/64/L.57 on behalf of its sponsors, to which the following countries had been added: Benin, Comoros, Ecuador, El Salvador, Gambia, Libyan Arab Jamahiriya, South Africa and Swaziland. Referring to paragraphs 1 to 13 of the draft resolution, she noted that the authors welcomed the efforts of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and requested that it continue its efforts to strengthen the international legal framework in order to combat the phenomenon. Specific proposals must be drawn up to fill in the gaps and address the threat represented by mercenaries and private military security services. She thanked States for their support for that important draft resolution, which the Committee would decide upon shortly.

Agenda item 69: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/64/L.22)

Draft resolution A/C.3/64/L.22: International Covenants on Human Rights

44. **The Chairperson** noted that the draft resolution did not have any programme budget implications.

45. **Mr. Khane** (Secretary of the Committee) recalled that the following countries had joined the list of sponsors when the draft resolution had been presented: Albania, Armenia, Australia, Bolivia (Plurinational State of), Canada, Cape Verde, Congo, Costa Rica, Croatia, El Salvador, Honduras, Hungary, Ireland, Italy, Malta, Montenegro, Peru, Poland, Republic of Moldova and Serbia.

46. **Ms. Fröberg** (Finland) noted that Cape Verde, Congo and Panama had decided to withdraw their names from the list of sponsors, and that the following

countries had been added to the list: Cyprus, Ecuador, Georgia, Greece, Israel, Maldives, New Zealand, Spain, Ukraine and Venezuela (Bolivarian Republic of). As a result of the informal consultations and bilateral negotiations with the delegations concerned, and in order to achieve consensus, she announced the following oral revisions to the draft resolution: in paragraph 3, the word "early" had been deleted; in paragraph 4, the words "with a view to achieving universal adherence" had been deleted at the end of the paragraph and inserted after the words "International Covenants on Human Rights" and the phrase "the Optional Protocols to them" had been replaced with "the Optional Protocols thereto"; in paragraph 5, the phrase "the Optional Protocols to them" had again been replaced with "the Optional Protocols thereto"; in paragraph 6, the phrase "and welcomes the reports submitted by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism" had been deleted; in paragraph 14, the words "urges States Parties to the respective Optional Protocols to take duly into account" had been inserted before the words "the views adopted by the Human Rights Committee"; in paragraph 15, the beginning of the paragraph had been revised to read "*Takes note with appreciation*, in this regard, of measures", and at the end of the paragraph, the phrase "including the adoption by the Human Rights Committee of a set of proposals to strengthen its follow-up procedure" had been deleted; in paragraph 24, after the words "Office of the United Nations High Commissioner for Human Rights", the words "and relevant United Nations entities" had been inserted, and the words ", including translation" had been added after the words "other relevant support services".

47. The draft resolution had been submitted every year since 1967 and had always been adopted by consensus. Finland had been keen to update the text to take account of the development of the Covenants and Optional Protocols and the activities of the treaty bodies. Some delegations seemed upset that their comments on paragraphs 9 and 10 had not been taken into consideration, but it had been customary, over the past 12 years, to take note of the measures that had been taken by the committees relating to civil and political rights, and economic, social and cultural rights, and the authors of the draft resolution had considered that there was no reason to change that practice.

48. **Mr. Khane** (Secretary of the Committee) announced that the Dominican Republic had joined the list of sponsors of the draft resolution, as orally revised.

49. **Ms. Kondolo** (Zambia), speaking on behalf of the Group of African States, thanked the sponsors for having deleted from paragraph 6 of the draft resolution the reference to the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, since the African Group had clearly expressed its position on the views of that Special Rapporteur, whose work, moreover, had no connection with the draft resolution under review. However, it was regrettable that broader consultations had not been held on paragraphs 9 and 10, which stated that the General Assembly welcomed the annual reports of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, even though those reports contained General Comments which some delegations found problematic. General Comment No. 33 of the Human Rights Committee on the obligations of States parties under the Optional Protocol did not establish clearly the obligations of the States parties to only the International Covenant on Civil and Political Rights as opposed to those of States that were also parties to the Optional Protocol, which might well result in a violation of the Vienna Convention on the Law of Treaties and establish an unfortunate precedent in international law.

50. Similarly, General Comment No. 29 of the Committee on Economic, Social and Cultural Rights mentioned in paragraph 10 of the draft resolution had not been submitted to the Economic and Social Council, thereby violating the Council's resolution 1985/17. Making reference to that General Comment in the draft resolution would therefore create an unprecedented procedural problem. As for General Comment No. 19 of the Committee on Economic, Social and Cultural Rights, it did not pose a problem for the African Group, but there was no need to refer to it specifically, because, like the other General Comments, it was included in the Committee's report. As the sponsors had not taken into account those legitimate concerns, the African Group was compelled to propose oral amendments to the draft resolution.

51. The first was to delete the following passage from paragraph 9: "takes note of the General Comments adopted by the Committee, including the

most recent, General Comment No. 33 on the obligations of States parties under the Optional Protocol".

52. The second was to delete the following passage from paragraph 10: "and takes note of the General Comments adopted by the Committee, including the most recent, General Comment No. 19 on the right to social security, and General Comment No. 20 on non-discrimination in economic, social and cultural rights".

53. **Ms. Fröberg** (Finland), recalling that the draft resolution was the result of a long process of negotiation in which the sponsors had made enormous concessions, regretted that the proposed oral amendments had been presented at such a late stage and was not convinced by the arguments put forward to justify them. She requested a recorded vote on each of the amendments.

54. Explaining her vote before the voting on the first amendment, she said that the two amendments sent a strong signal of distrust regarding the independent work of both Committees. Ever since its fifty-second session, the General Assembly had been taking note of the Committees' General Comments, referring expressly to the most recent of those comments. That practice facilitated the implementation of the Covenants and the Optional Protocols thereto by drawing the attention of Member States, the United Nations system and civil society to both the latest developments observed in the field and the work of treaty bodies. Although they were not binding, those General Comments were a useful tool for ensuring that the rights contained in the Covenants were respected. Hence, not making reference to them would represent a huge step backward. Moreover, those General Comments were not incorporated into the reports of the Committees, but were only included in an annex.

55. In addition, General Comment No. 33 stated unambiguously that the second Optional Protocol was binding only on States that were already parties to the first Optional Protocol relating to the International Covenant on Civil and Political Rights. Since the General Comments were not binding, they could not create any precedent in international law. In that regard, the delegations could have lodged their reservations a few days earlier during the conference of States parties to the International Covenant on Civil and Political Rights. Finland would vote against the proposed amendment.

56. **Ms. Sunderland** (Canada), explaining her vote before the voting, regretted that amendments had been proposed even though the draft resolution had traditionally been adopted by consensus, particularly since the paragraphs that were proposed for deletion merely recaptured the language used in previous years. Treaty monitoring bodies played a vital role and the draft resolution merely noted that the General Assembly welcomed with satisfaction their annual reports and noted, in a completely neutral manner, the General Comments they had made over the previous two years. The sponsors had been very flexible throughout the negotiations, to the point of even agreeing to delete any reference to special procedures mandate holders and their reports. Regretting that a consensus could not be reached despite those efforts, she called on delegations to vote against the proposed amendment.

57. **Ms. Sapag** (Chile), aligning herself with Finland and Canada in regretting that there was no consensus, said that the proposed amendment to paragraph 9 ran counter to the spirit of the resolution and was a sign of distrust of the independent experts who made up both Committees. She called on delegations to maintain the proposed text in its entirety by voting against the proposed amendment.

58. **Ms. Freedman** (United Kingdom), aligning herself with the comments of Canada, Chile and Finland said that had the draft resolution referred to the content of the General Comments, her delegation would also have wished to take time to consider it before adopting it. However, that was not the case, since the text merely indicated that the General Assembly took note of the General Comments. By contrast, the proposed amendments passed judgment on the Committees, thereby undermining their independence. She would therefore vote against the proposed amendment and hoped that other delegations would do likewise.

59. *A recorded vote was taken on the proposed amendment to paragraph 9 of the draft resolution.*

In favour:

Algeria, Angola, Belarus, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's

Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Bhutan, Brazil, Dominica, Fiji, Grenada, Guyana, Haiti, India, Jamaica, Nepal, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Singapore, Suriname, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago.

60. *The proposed amendment to paragraph 9 was adopted by 70 votes to 69, with 25 abstentions.*

61. **Mr. Vigny** (Switzerland) said that his delegation had voted against the first proposed amendment because the Member States had to take note of the General Comments of both Committees, whether or not they appreciated the contents. Adopting that amendment compromised the independence of the bodies in question, which was unacceptable.

62. **Ms. Kondolo** (Zambia) said that the purpose of the recent conference of States parties to the International Covenant on Civil and Political Rights had not been to deal with General Comments, and the African Group had expressed reservations throughout the consultations, which had not been taken into consideration.

63. **Ms. Fröberg** (Finland), recalling her previous comments, added that General Comment No. 20, which was only adopted in May 2009, had not been annexed to the report of the Committee on Economic, Social and Cultural Rights. However, that did not hinder the General Assembly's ability to take note of it in a neutral manner in its draft resolution, and not mentioning it in the draft resolution would mean losing it altogether. She quoted the first paragraph of the introduction to the General Comment and said that the international community had to be able to take note of such a balanced text on such an important issue.

64. The proposed amendment would also delete any reference to General Comment No. 19, to which no Member State had raised any objection.

65. *A recorded vote was taken on the proposed amendment to paragraph 10 of the draft resolution.*

In favour:

Algeria, Angola, Bahrain, Bangladesh, Belarus, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, China, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Oman, Pakistan, Qatar, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, Sudan, Swaziland, Syrian Arab Republic, Timor-Leste, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Afghanistan, Antigua and Barbuda, Bahamas, Barbados, Belize, Bhutan, Brazil, Dominica, Fiji, Grenada, Guyana, Haiti, India, Nepal, Russian Federation, Saint Vincent and the Grenadines, Samoa, Singapore, Sri Lanka, Suriname, Tajikistan, Thailand, Trinidad and Tobago.

66. *The proposed amendment to paragraph 10 was rejected by 72 votes to 71, with 23 abstentions.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/64/L.26, L.42 and L.43)

Draft resolution A/C.3/64/L.26: Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

67. **Mr. Sammis** (United States of America), introducing draft resolution A/C.3/64/L.26, said that the following countries had joined the sponsors: Argentina, Costa Rica, Czech Republic, Guatemala, Honduras, Indonesia, Liechtenstein, Peru, Republic of Korea, Republic of Moldova, Romania, Switzerland and United Republic of Tanzania. Free and impartial elections were the foundation of democracy, allowing for a free exchange of ideas and public debate. Providing electoral assistance was an integral part of the United Nations commitment to supporting democratic elections in Member States. National, regional and international observers helped to enhance the transparency and credibility of elections, and the provision of technical expertise could improve electoral processes. The Organization must continue to provide electoral assistance on a case-by-case basis, in accordance with the evolving needs of countries that wished to set up, improve or refine their electoral processes and institutions. The broad support for previous resolutions on the issue showed clearly that the Member States attached great importance to the role played by the Organization in that area. The Member States must continue to support the Organization's democratization efforts, particularly with regard to free and fair elections, by adopting the draft resolution.

68. **Mr. Khane** (Secretary of the Committee) announced that Benin, Bosnia and Herzegovina, Botswana, Bulgaria, Chile, Croatia, Dominican Republic, El Salvador, Estonia, Haiti, Hungary, Italy, Latvia, Luxembourg, Malawi, Mexico, Micronesia (Federated States of), Mongolia, Montenegro, Norway, Philippines, Seychelles, the former Yugoslav Republic of Macedonia and Zambia had joined the sponsors.

Draft resolution A/C.3/64/L.42: International Convention for the Protection of All Persons from Enforced Disappearance

69. **Mr. Argüello** (Argentina), introducing draft resolution A/C.3/64/L.42, said that the following countries had joined the sponsors: Andorra, Angola, Cambodia, Chad, Democratic Republic of the Congo, Gabon, Georgia, Haiti, Liechtenstein, Malawi, Mali, Malta, Mongolia, Nigeria, Panama, Uganda, Vanuatu and Venezuela (Bolivarian Republic of). It was gratifying to see that the International Convention for the Protection of All Persons from Enforced Disappearance would soon come into force. The text under review was meant not just to strengthen the process for ratifying that instrument with a view to achieving universal adherence, but also to take note of progress made in that regard. He welcomed the support the draft had received not only from States parties to the Convention, but also from States that were not yet parties to it, and the positive and constructive spirit in

which the informal consultations had been conducted. He hoped that the draft resolution, a revised version of which would be submitted as soon as possible, would be adopted by consensus.

70. **Mr. Khane** (Secretary of the Committee) announced that Bosnia and Herzegovina, Comoros, Cuba, Ghana, Niger, Saint Vincent and the Grenadines, and Swaziland had joined the sponsors.

Draft resolution A/C.3/64/L.43: Protection of human rights and fundamental freedoms while countering terrorism

71. **Mr. De León Huerta** (Mexico), introducing draft resolution A/C.3/64/L.43 on behalf of the sponsors, said that Argentina, Brazil, Japan, Monaco, Slovakia and Venezuela (Bolivarian Republic of) had joined the sponsors. Adequate measures should be taken at all levels to combat terrorism, which was a serious problem for the security of Member States of the United Nations, but the need for countries to protect their people could not justify the violation of fundamental human rights. Protecting and promoting human rights should be a major focus of all measures to combat terrorism. Since 2002, when the first draft resolution on the question was submitted to the General Assembly, Member States had managed, despite their differences of opinion and the complexity of counter-terrorism issues, to put forward a common programme and to reach consensus. His delegation commended all delegations for their commitment and cooperation during the consultations and would continue the dialogue with them.

72. **Mr. Khane** (Secretary of the Committee) announced that Albania, Argentina, Armenia, Cape Verde, Costa Rica, Croatia, Dominican Republic, El Salvador, Malta, Montenegro, Nicaragua, Panama, Romania, Serbia and the former Yugoslav Republic of Macedonia had joined the sponsors.

The meeting rose at 1 p.m.

United Nations A/C.3/64/SR.42

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Summary record of the 42nd meeting
Held at Headquarters, New York, on Thursday, 12 November 2009, at 3 p.m.

Chairperson: Mr. Penke ..... (Latvia)

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(a) Implementation of human rights instruments (*continued*)

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The meeting was called to order at 3.15 p.m.

Agenda item 69: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/64/L.22 and A/C.3/64/L.24)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/64/L.27, A/C.3/64/L.31, A/C.3/64/L.32, A/C.3/64/L.33/Rev.1, A/C.3/64/L.34/Rev.1, A/C.3/64/L.41/Rev.1, A/C.3/64/L.45, A/C.3/64/L.46 and A/C.3/64/L.48)

Draft resolution A/C.3/64/L.22: International Covenants on Human Rights

1. **Ms. Fröberg** (Finland) said that her delegation would vote in favour of the draft resolution and expressed the hope that other delegations would overcome their differing views and do so as well.

2. **Ms. Melon** (Argentina), speaking on a point of order, asked which delegation had requested a recorded vote on draft resolution A/C.3/64/L.22.

3. **Mr. Khane** (Secretary of the Committee) said that, in accordance with rule 130 of the rules of procedure of the General Assembly, a recorded vote was taken on proposals to which one or more amendments had been made.

4. **Ms. Kondolo** (Zambia), speaking on behalf of the African Group, said that as the amendments to paragraph 10 proposed by the Group had not been taken on board, it would abstain from voting on the draft resolution.

5. *A recorded vote was taken on draft resolution A/C.3/64/L.22.*

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam.

Against:

None.

Abstaining:

Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Iran (Islamic Republic of), Iraq, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Oman, Pakistan, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa, Sudan, Swaziland, Syrian Arab Republic, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

6. *Draft resolution A/C.3/64/L.22, as orally revised and amended, was adopted by 111 votes to none, with 66 abstentions.*

7. **Mr. Sammis** (United States of America) said that his country had voted in favour of the draft resolution with the express understanding that it did not imply that States must become parties to instruments to which

they were not a party or implement obligations under human rights instruments to which they were not a party.

8. **Mr. Saripudin** (Indonesia) expressed regret at the Committee's failure to adopt the resolution by consensus, as it had done in previous years. Indonesia had voted in favour of the draft resolution and the proposed amendments thereto, believing that dialogue, consensus and universal support, which served to broaden ownership of human rights norms, standards and mechanisms, were the best means of promoting and protecting human rights.

9. **Mr. Bahreini** (Islamic Republic of Iran) said that while his delegation supported the essence of the draft resolution, it had abstained from the vote due to the references in paragraphs 9 and 10 to General Comment 33 of the Human Rights Committee and General Comment 20 of the Committee on Economic, Social and Cultural Rights, with which it had conceptual differences. Given the Third Committee's amendment of paragraph 9, but not paragraph 10, the issue had not been resolved fully.

10. **Mr. De León Huerta** (Mexico) underscored his country's support for the work of human rights mechanisms. Mexico had voted against the proposed amendments, as it would have preferred retention of the original contents, including the reference to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, which, in his delegation's understanding, had been agreed with the sponsors of the draft resolution.

11. **Ms. Wilson** (Jamaica) said that while it would continue to support the general thrust of the draft resolution, it would have hoped that paragraphs 9 and 10 could have been eliminated.

12. **Ms. Richardson** (New Zealand) said that New Zealand was a strong supporter of the International Covenants on Human Rights and the independence and impartiality of the United Nations treaty body system. Her delegation would have preferred to retain the references to the two General Comments, particularly General Comment 33 of the Human Rights Committee. It had been published online and States had been invited to comment on it in advance of its adoption. It was regrettable that it had been necessary to take a vote on the draft resolution.

13. **Mr. Sial** (Pakistan) said that his delegation had voted in favour of the substantive amendments proposed by the African Group, but given the failure to adopt one of those amendments, it had been forced to abstain in the voting on the draft resolution.

Draft resolution A/C.3/64/L.24: Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

14. **The Chairperson** said that the draft resolution contained no programme budget implications.

15. **Mr. De León Huerta** (Mexico), speaking also on behalf of New Zealand, announced the following additional sponsors of the draft resolution: Algeria, Bangladesh, Bolivia, Cambodia, Comoros, Côte d'Ivoire, Cuba, the Czech Republic, Dominican Republic, Ghana, Guinea, Indonesia, Israel, Lebanon, Liberia, Malta, Mauritius, Myanmar, Norway, Poland, the Russian Federation, Saudi Arabia, Seychelles, Sierra Leone, Suriname, Thailand, Tunisia, Turkmenistan and Ukraine. The large number of sponsors of the draft resolution attested to the commitment within the international community's commitment to protect the rights of persons with disabilities.

16. **Mr. Khane** (Secretary of the Committee) said that Afghanistan, Albania, Angola, Antigua and Barbuda, Barbados, Belize, Burkina Faso, Burundi, Gambia, Georgia, Guyana, Haiti, Kazakhstan, Kenya, Madagascar, Mali, Niger, Rwanda, Sudan, Swaziland and Trinidad and Tobago had also joined the sponsors.

17. *Draft resolution A/C.3/64/L.24 was adopted.*

Draft resolution A/C.3/64/L.31: Globalization and its impact on the full enjoyment of all human rights

18. **The Chairperson** said that the draft resolution contained no programme budget implications.

19. **Mr. Attiya** (Egypt) said that since the introduction of the draft resolution, Burkina Faso, Chad, Ghana, Namibia and Tunisia had joined the sponsors. The large number of sponsors reflected the growing interest in studying the impact of globalization, including changes in technology, production methods and means of communication in the context of the food, fuel and financial crises. The aim of the draft resolution was to promote greater understanding of those challenges and a more effective

international response to them. His delegation regretted the passive approach adopted by the partners, who had claimed to have fundamental conceptual problems with the text but had failed to make any specific proposals to overcome those problems.

20. **Mr. Khane** (Secretary of the Committee) announced that Antigua and Barbuda, Grenada and Senegal had become sponsors.

21. **Ms. Mirow** (Sweden), speaking on behalf of the European Union, Turkey, Croatia, the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Montenegro, Serbia, Iceland, Norway, Ukraine and the Republic of Moldova, said that while the European Union acknowledged that globalization could have implications for the full enjoyment of human rights, it could not support the draft resolution because of the inaccurate generalization made therein, that, in essence, globalization had a negative impact on the enjoyment of all rights. Dealing with the effects of globalization was high on the agenda of the European Union. The European Union acknowledged that the benefits of globalization were uneven but believed nonetheless that globalization could increase prosperity throughout the world and have a positive impact on the enjoyment of human rights. In addition, it seemed necessary to examine the effects of globalization on particular human rights on a case-by-case basis without making generalizations. The European Union had voted against a similar draft resolution at the sixty-third session and would do so again at the present session; it respectfully asked other delegations to do the same.

22. *At the request of the representative of Sweden, a recorded vote was taken on draft resolution A/C.3/64/L.31.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States of America.

Abstaining:

Brazil, Chile, Singapore.

23. *Draft resolution A/C.3/64/L.31 was adopted by 125 votes to 54, with 3 abstentions.*

Draft resolution A/C.3/64/L.32: National institutions for the promotion and protection of human rights

24. **The Chairperson** said that the draft resolution had no programme budget implications.

25. **Mr. Schroeer** (Germany) said that since the introduction of the draft resolution, India and Thailand had joined the sponsors. His delegation sought to biennialize the draft resolution, and requested the Secretary-General to report on its implementation at the sixty-sixth session of the General Assembly.

26. **Mr. Khane** (Secretary of the Committee) said that Burkina Faso, Dominican Republic, Ethiopia, Iceland, Kazakhstan, Lebanon, the Seychelles, Madagascar, the Russian Federation, Uganda, Ukraine, the United Republic of Tanzania and Venezuela (Bolivarian Republic of) had become sponsors.

27. *Draft resolution A/C.3/64/L.32 was adopted.*

Draft resolution A/C.3/64/L.33/Rev.1: Follow-up to the International Year of Human Rights Learning

28. **The Chairperson** said that the draft resolution contained no programme budget implications.

29. **Mr. Babadoudou** (Benin) announced the following additional sponsors: Argentina, Bolivia, Germany, Ireland, Thailand, Turkey, Spain and Switzerland.

30. **Mr. Khane** (Secretary of the Committee) said that Bangladesh, Belgium, Bosnia and Herzegovina, Brazil, Chile, Costa Rica, Dominican Republic, France, Grenada, Greece, Hungary, India, Indonesia, Lithuania, Luxembourg, Montenegro, Peru and the former Yugoslav Republic of Macedonia had also joined the sponsors.

31. **Mr. Babadoudou** (Benin) requested the Secretariat to expedite transmission of the draft resolution to the General Assembly so that it might take up the resolution at its special session on 10 December 2009, which marked the end of the International Year of Human Rights Learning and the sixty-first anniversary of the adoption of the Universal Declaration of Human Rights.

32. *Draft resolution A/C.3/64/L.33/Rev.1 was adopted.*

Draft resolution A/C.3/64/L.34/Rev.1: Protection of and assistance to internally displaced persons

33. **The Chairperson** said that the resolution contained no programme budget implications.

34. **Mr. Michelson** (Norway) read out revisions to the text. In line 4 of paragraph 7, the word "their" should be replaced by "the", and the words "of internally displaced persons" should be inserted after the word "participation". He announced the following additional sponsors: Benin, Burundi, Malta, the Netherlands, Nigeria, Poland, Thailand, Timor-Leste, Ukraine and the United States of America.

35. **Mr. Khane** (Secretary of the Committee) said that Ghana, Ireland, Madagascar, Malawi, Mali, Senegal, Seychelles, the United Republic of Tanzania and Zambia had also joined the sponsors of the draft resolution.

36. *Draft resolution A/C.3/64/L.34/Rev.1, as orally revised, was adopted.*

37. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said that although her delegation had joined the consensus on the draft resolution, it wished to draw attention to the tenth preambular paragraph and its incomplete reference to the provisions of the Rome Statute of the International Criminal Court concerning the definition of the deportation or forcible transfer or displacement of the civilian population as a crime against humanity or a war crime. Indeed, the internal displacement, deportation or transfer of civilians was not in itself a war crime in any context, but only in certain circumstances. The wording of the tenth preambular paragraph was therefore open to misinterpretation.

38. The paragraph also omitted any reference to article 8, para. 2(b)viii, of the Statute of the International Criminal Court, under which the direct or indirect transfer by an occupying Power of parts of its own civilian population into the territory it occupied, or the deportation or transfer of all or parts of the population of the occupied territory within or outside that territory, was a war crime.

39. **Mr. Perez** (Brazil) said that his delegation had joined the consensus on the draft resolution in recognition of the need to strengthen the international community's efforts to provide internally displaced persons with adequate protection and assistance. Unfortunately, it had not been possible to find a better formulation for the fourth preambular paragraph. No direct links could be established between climate change and the causes of internal displacement. The Intergovernmental Panel on Climate Change had concluded that disaggregating the causes of migration was highly problematic and that estimates of the numbers of potential environmental migrants were

guesswork, at best. The same reasoning applied to internal displacement. Climate change might exacerbate challenges that were caused primarily by persistent poverty, political instability and other factors, but it was more useful to focus policies on direct causes. Brazil would continue to work to strengthen protection and assistance for internally displaced persons and to address climate change.

40. **Mr. Ali** (Sudan) said that his delegation had joined the consensus on the draft resolution because his Government was concerned about the issue of internally displaced persons. Sudan's efforts in that area included the voluntary return of internally displaced persons. His delegation would have preferred the draft resolution to refer to international instruments and did not consider itself bound by any language or definition that came from documents that had not been universally ratified, such as the Rome Statue of the International Criminal Court.

Draft resolution A/C.3/64/L.41/Rev.1: Protection of migrants

41. **Mr. Khane** (Secretary of the Committee) said that, should the Committee adopt draft resolution A/C.3/64/L.41/Rev.1, requirements would have to be met from within existing United Nations resources for the Committee on the Protection of Rights of All Migrant Workers and Members of Their Families to meet for an additional week in 2010. The daily subsistence allowance requirements and conference servicing costs for the additional week would be met within the provisions of the proposed programme budget for the biennium 2010-2011.

42. **Mr. De León Huerta** (Mexico) said that international migration brought cultural and economic benefits to all the countries involved. The purpose of the draft resolution was to reiterate the commitment of the international community to the goal of protecting the human rights and fundamental freedoms of all migrants, while recognizing the special challenges of the current economic and financial crises, to which immigrants were among the most vulnerable. Afghanistan, Burkina Faso, Ghana, Guinea and Turkey had joined the sponsors of the draft resolution.

43. **Mr. Khane** (Secretary of the Committee) said that Costa Rica, Jamaica, Lebanon, Portugal, Timor-Leste and Seychelles had also joined the sponsors of the draft resolution.

44. **Mr. Sammis** (United States of America) said that his delegation would join the consensus on the draft resolution. All States had the sovereign right to regulate the admission and expulsion of foreign nationals. They also had to respect the human rights of migrants in compliance with their obligations under international law, including international human rights law. The United States provided substantial protections under its Constitution and other domestic laws to aliens within its territory, regardless of their immigration status.

45. His delegation urged all States to take very seriously their responsibility to protect the human rights of all people, including migrants, in their territories. States also had an affirmative duty to accept the return of their nationals who had been expelled or returned from the territory of another State. The expeditious return of irregular migrants would contribute significantly to decreased detention periods.

46. Although international law did not prohibit the detention of persons who had violated a country's immigration or criminal laws, the enforcement of such law should be consistent with international law, including international human rights law. The approach of the United Nations to the global concern about migration should not be sidetracked by undue focus on bilateral issues that were being addressed through discussions between the affected States. It was therefore inappropriate to refer in the text to a bilateral legal matter which had previously been addressed by the Committee. The reference to the case cited in the ninth preambular paragraph diverted attention from the serious multilateral reflection required and did not promote constructive cooperation.

47. The United States had a long history of welcoming immigrants and refugees and highly valued legal, orderly and humane migration. The 1 million United States citizens who lived outside its borders were encouraged to observe all national and local laws when moving to or working in another country. The United States welcomed legal immigrants and properly documented temporary visitors, including workers and students, and was committed to protecting the human rights of migrants within its borders.

48. *Draft resolution A/C.3/64/L.41/Rev.1 was adopted.*

49. **Mr. Bennwik** (Sweden), speaking on behalf of the European Union, which had joined the consensus, said that the European Union's migration policies were

consistent with the human rights obligations of its member States and were based on a global and balanced approach and on the rule of law. Migration regulation contributed to the promotion and protection of the human rights of all, including migrants, and to the fight against trafficking, exploitation of irregular migrants and employment violations. His delegation therefore welcomed the explicit references in the text to the obligations of States of origin, transit and destination. However, the draft resolution should be more balanced. The European Union had a holistic approach to migration policies and was a strong supporter of the Global Forum on Migration and Development. European Union States had hosted two of the past three meetings of the Global Forum and would be hosting the fifth meeting in 2011.

50. In relation to paragraph 4 (a), detention in the European Union was subject to rigorous judicial review and was carried out in compliance with international human rights obligations. In that context, he rejected any inference that such detention might be excessive and emphasized the importance of taking into account the obligation of States of origin to receive returning nationals.

Draft resolution A/C.3/64/L.45: Human rights and unilateral coercive measures

51. **The Chairperson** said that the draft resolution had no programme budget implications.

52. **Ms. Pérez Álvarez** (Cuba), speaking on behalf of the Movement of Non-Aligned Countries, said that States should abstain from adopting unilateral measures that contravened international law and the Charter of the United Nations and that impeded the full economic and social development of the population of affected countries. Her delegation opposed all coercive and unilateral measures, including those designed to exert political and economic pressure, in particular on developing countries.

53. **Mr. Khane** (Secretary of the Committee) said that China had joined the sponsors of the draft resolution.

54. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/64/L.45.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey,

Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

None.

55. *Draft resolution A/C.3/64/L.45 was adopted by 128 votes to 52, with no abstentions.*

56. **Mr. Sammis** (United States of America) said that his delegation had requested the recorded vote because the draft resolution had no basis in international law and did not advance the cause of human rights. It was the responsibility of States to protect and promote the human rights and fundamental freedoms of their citizens. The text of the draft resolution was a direct challenge to the sovereign right of States to freely conduct their economic relations and to protect legitimate national interests, including taking action in response to national security concerns. It also attempted to undermine the international community's ability to respond to acts that were offensive to international norms. Unilateral and multilateral sanctions were a legitimate means to achieve foreign policy, security and other legitimate national and international objectives. The United States was not alone in that view or in that practice.

Draft resolution A/C.3/64/L.27: Combating defamation of religions

57. **Mr. Tan** Li Lung (Malaysia), speaking on behalf of the Organization of the Islamic Conference (OIC), said that defamation of religions remained a serious concern and that constructive dialogue was needed to address it. However, such dialogue could not succeed if countries were unwilling to engage with others and accept their views. Aware that the positions of partners who opposed the text would not change unless the core issues addressed in it were compromised, OIC had decided to proceed with action on the draft resolution.

58. He read out oral revisions to the text. In the seventh preambular paragraph, the word "serious" should be inserted after the word "Expressing". In the sixteenth preambular paragraph, the words "its first forum in Spain in 2008" should be added after the word "including". The line "the second forum of the Alliance, held in Istanbul" should be replaced with "its second forum in", and "on 6 and 7 April" should be deleted. Lastly, the word "in" should be added before "2009". In the twenty-third preambular paragraph, the word "interface" should be replaced with "intersection".

59. In paragraph 1, the words "and the conclusions contained therein" should be deleted. A new paragraph 11 bis should be added that read "*Takes note of* the work undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in accordance with their mandates defined by the Human Rights Council in its resolutions 7/34 and 7/36 of 28 March 2008". In paragraph 25, the word "possible" should be deleted, and the phrase "and the intersection between religion and race," should be added after the words "defamation of religions". Lastly, the words "and steps taken by States to combat this phenomenon" should be inserted before "to the General Assembly".

60. **The Chairperson** said that a recorded vote had been requested by the delegation of Sweden on behalf of the European Union.

61. **Ms. Mirow** (Sweden), speaking on behalf of the European Union in explanation of vote before the voting, said that her delegation shared the concerns of OIC that persons all over the world were victimized because of their religion or beliefs. The European Union could not agree, however, to promote the concept of defamation of religion, as that concept severely limited freedom of expression and endangered the very tolerance that allowed people of different faiths to co-exist. It was fundamental to distinguish between criticism of religion or beliefs and incitement to religious hatred. The concept of defamation of religions was inconsistent with human rights law, which protected individuals, but not religions or belief systems. The debate should be based on the existing international legal framework provided by the International Covenant on Civil and Political Rights.

62. The draft resolution sought to address legitimate concerns and condemned instances of discrimination and intolerance against individuals on the grounds of religion or belief. The European Union was open about the challenges encountered and invited others to show similar openness and determination. The European Union was willing to engage in a constructive dialogue with OIC and find new ways to address the concerns of the sponsors. It would continue to support initiatives that contributed to a comprehensive dialogue, were

grounded in international law and took into account the views and concerns of all Member States. However, it would vote against the draft resolution and encouraged other delegations to do the same.

63. **Mr. Sammis** (United States of America), speaking in explanation of vote before the voting, said that his delegation, despite its concerns with the concept of defamation, had tried over the past year to address the root concerns behind the draft resolution. The increasingly splintered views of Member States suggested that the underlying issues had not yet been adequately addressed. At the previous session of the Human Rights Council, it had been possible to reach a consensus on a divisive and connected issue, freedom of expression. He regretted the early vote on the draft resolution and the lack of opportunity to address the problem in a spirit of consensus.

64. All Governments should respect the ability of every individual to profess and practice their own faith. Religion was a global phenomenon, a key source of identity and a powerful motivating and mobilizing force around the world. Discrimination and violence could be exacerbated by ignorance, intolerance and fear of persons with different religions and it was incumbent upon Governments to model respect and welcome diversity of religious belief. Governments could use a combination of robust legal protections against discrimination and hate crimes, proactive government outreach to minorities and the vigorous defence of freedom of expression and religion without discrimination.

65. The United Nations should highlight the many examples of diverse communities living in peace and partnership in all regions of the world. Robust protections of speech and free and open dialogue were also an important part of the solution. Hateful ideas, when held up to public scrutiny, were shown to lack merit. Respectful and welcoming societies were built on the basis of open dialogue and experience; they could not be imposed by laws. It was a central tenet of human rights law that rights were held by individuals, not by Governments, institutions or religions. States should work together to build mutual respect and tolerance among the individuals who practiced different religions, without losing sight of the overall goal of realizing universal human rights for all individuals.

66. His delegation would vote against the resolution because prohibiting speech did not promote tolerance and because the concept of defamation of religions continued to be used to justify censorship, criminalization and even violent assaults and deaths of political, racial and religious minorities around the world. Contrary to the intentions of most Member States, some Governments were likely to abuse the rights of individuals in the name of that draft resolution and in the name of the United Nations. The United States was eager to work with the sponsors to address their root concerns in a spirit of consensus. Meanwhile, however, his delegation urged others to join it in voting against the draft resolution.

67. **Mr. Vimal** (India), speaking in explanation of vote before the voting, said that his delegation opposed the stereotyping of any religion. The sponsors had made efforts to take into account the concerns of other delegations, but the draft resolution continued to focus on a single religion. All religions faced negative stereotyping, to varying degrees, and the issue was best addressed in the context of religious intolerance or the abuse of freedom of expression. His delegation also had reservations about linking the issue with racism and would therefore abstain from the vote.

68. *A recorded vote was taken on draft resolution A/C.3/64/L.27, as orally revised.*

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Cambodia, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Guyana, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates,

Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Against:

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Albania, Argentina, Armenia, Bahamas, Belize, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Costa Rica, Democratic Republic of the Congo, Ecuador, Fiji, Ghana, Grenada, Guatemala, India, Jamaica, Japan, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mongolia, Namibia, Nepal, Papua New Guinea, Paraguay, Peru, Rwanda, Saint Lucia, Solomon Islands, Sri Lanka, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, United Republic of Tanzania, Zambia.

69. *Draft resolution A/C.3/64/L.27, as orally revised, was adopted by 81 votes to 55, with 43 abstentions.*

70. **Mr. Perez** (Brazil) said that his delegation had abstained in the voting, despite the many positive elements in the text. The concept of defamation of religions was not consistent with international human rights law, and therefore with Brazilian legislation, which was based on the protection of the right of the individual to freely profess the religion of his or her choice, including the right to change his or her faith. It would be more appropriate to address the issue in the context of articles 19.3 and 20.2 of the International Covenant on Civil and Political Rights. The human rights challenges identified in the resolution should be addressed in a context that was not detrimental to the protection of other fundamental rights and freedoms, such as the freedom of expression.

71. Brazil was willing to work towards reconciling the different approaches observed and finding a consensus text that reflected the concerns of all Member States. Paragraph 12 of the outcome document of the Durban Conference was a good example of such a text.

72. **Ms. Lee** (Singapore) said that her delegation had voted in favour of the draft resolution on the understanding that it applied to all religions. Singapore, a multiracial and multireligious State, believed that the exercise of free speech should not take place at the expense of others. Freedom came with responsibility and accountability, while defamation bred intolerance and undermined social cohesion. Intolerance and ignorance should be discouraged as States sought to inculcate mutual respect for one another and harmony. Singapore reaffirmed its support for efforts to combat religious defamation and intolerance.

73. **Ms. Duarte-Rodríguez** (Colombia) said that the Colombian Constitution protected freedom of religion, the right of persons to profess and propagate their religion freely, and the equality of churches and religious confessions before the law. The media could contribute to a greater understanding by facilitating dialogue between different groups. Colombia had abstained in the vote because the use of ambiguous and diffuse concepts such as defamation of religion could lead to unjustifiable limitations on freedom of expression. The comprehensive definitions of that right which existed in international instruments were part of the Colombian Constitution.

74. **Ms. Wilson** (Jamaica) said that her delegation had always supported the principles of religious freedom and tolerance and respected the right of persons to practice the religion of their choice. The draft resolution should not refer solely to one religion as it failed to take account of violations of the rights of persons of other faiths and religions. Jamaica had therefore abstained from voting.

75. **Mr. Stastoli** (Albania) said that his delegation had abstained in the vote, although it recognized the value of minimizing unnecessary conflicts within and among different societies. Unfortunately, some of his delegation's concerns had not been addressed, including the attempts to associate defamation of religions with racial discrimination.

76. Albania's three major religious communities lived in harmony. Although domestic legislation did not recognize the concept of defamation of religions, there was a long-standing unwritten rule to respect religious sensitivities, including in the media. Albania fully respected freedom of expression and was disappointed that it had not been possible to reach a consensus.

Draft resolution A/C.3/64/L.46: Enhancement of international cooperation in the field of human rights

77. **The Chairperson** said that draft resolution A/C.3/64/L.46 contained no programme budget implications.

78. **Ms. Pérez Álvarez** (Cuba), speaking on behalf of the Movement of Non-Aligned Countries and as coordinator of the Movement's working group on human rights, introduced draft resolution A/C.3/64/L.46. A draft resolution on the enhancement of international cooperation in the field of human rights was presented annually as strengthening such cooperation was essential for fully achieving the aims of the United Nations.

79. *Draft resolution A/C.3/64/L.46 was adopted.*

Draft resolution A/C.3/64/L.48: Promotion of equitable geographical distribution in the membership of the human rights treaty bodies

80. **Mr. Khane** (Secretary of the Committee) said that China had joined the sponsors of the draft resolution.

81. **The Chairperson** said that draft resolution A/C.3/64/L.48 had no programme budget implications.

82. **Ms. Pérez Álvarez** (Cuba), speaking on behalf of the Movement of Non-Aligned Countries and as coordinator of its working group on human rights, said that the draft resolution on the promotion of equitable distribution in the membership of the human rights treaty bodies was being presented for the first time and would be submitted to the Committee every two years.

83. **Mr. Khane** (Secretary of the Committee) said that the Russian Federation had joined the sponsors of the draft resolution.

84. **Ms. Mirow** (Sweden), speaking in explanation of vote before the voting, on behalf of the European Union, the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Montenegro and Serbia; and, in addition, Republic of Moldova, Norway and Ukraine, said that, while fully recognizing the importance of equitable geographical distribution, including in the composition of human rights treaty bodies, the European Union was opposed to the draft resolution. Some of the human rights treaties did contain provisions regarding consideration of equitable geographical distribution and principal legal systems, but it was not for the General Assembly to modify those provisions, nor should it push States parties to do so.

85. The European Union was strongly opposed to a quota system as described in paragraph 4 and also strongly objected to paragraph 6, in which the chairpersons of the human rights treaty bodies were asked to present specific recommendations for the achievement of the goal of equitable geographical distribution. It was not for the General Assembly to make requests of the chairpersons of treaty bodies, who had been elected as independent experts to serve in their personal capacity. Nor could the chairpersons consider or recommend a quota system. That issue could only be considered by the States parties.

86. The European Union regretted the lack of more constructive suggestions for achieving a better balance in the human rights treaty bodies without resorting to a quota system. It was unfortunate that, once again, no consultations had been convened on the text. The European Union would vote against the draft resolution.

87. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/64/L.48.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-

Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Chile, Timor-Leste, Vanuatu.

88. *Draft resolution A/C.3/64/L.48 was adopted by 125 votes to 51, with 3 abstentions.**

89. **Mr. Tagle** (Chile) said that his delegation had decided to abstain from the vote. Although equitable geographical distribution was important, the main criteria for selection should be the personal capacities of the candidates, including their independence from their Governments. A fixed system of geographical distribution could affect the impartiality and independence of the committees. The treaty bodies were intended to protect the rights of individuals, not of States.

90. **Mr. Perez** (Brazil) said that his delegation had voted in favour of the draft resolution in recognition of the improvements made to the text, including the new wording of paragraph 1. The membership of all multilateral bodies and mechanisms should reflect an appropriate balance in geographical distribution, but members of human rights treaty bodies served in their personal capacity, and competence, experience and integrity were paramount considerations. The establishment of quotas might not be an appropriate way to remedy the current imbalances but it would be possible to encourage the submission and consideration of candidacies from developing countries, while observing the existing treaty provisions.

91. **Ms. Melon** (Argentina) said that her delegation supported the principle of geographical distribution. Argentina had voted in favour of the draft resolution on the understanding that its recommendations should be interpreted in the light of human rights law and with full respect for the independence of the treaty bodies. The specific provisions of the treaties should continue to apply.

Agenda item 104: Crime prevention and criminal justice (*continued*) (A/C.3/64/L.11/Rev.1)

Draft resolution A/C.3/64/L.11/Rev.1: Improving the coordination of efforts against trafficking in persons

92. **The Chairperson** said that draft resolution A/C.3/64/L.11/Rev.1 had no programme budget implications.

93. **Mr. Khane** (Secretary of the Committee) drew attention to two editorial corrections to the text of the draft resolution. In the third preambular paragraph, the words "12 June" should read "17 June" and footnote 3 should read "See A/64/53, resolution 1/3".

94. **Mr. Dapkiunas** (Belarus) said that he regretted that, owing to the insistence of some delegations, 13 paragraphs had been reintroduced from the previous year's text because they were, allegedly, "substance". Such copying and pasting seemed more like a smokescreen to conceal collective hesitation. Those

* The delegation of Bosnia and Herzegovina subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

who questioned the "added value" of the proposed global action against human trafficking were displaying misplaced resolve, as the real object of attention should be the insufficient participation in basic international instruments on human trafficking, the less-than-perfect cooperation of related agencies, the rudimentary interaction between government, civil society and multilateral partners, and critical gaps in the way the international community was addressing human trafficking. Those issues should be addressed by practical coordinated action — in the form of the global plan of action on preventing trafficking in persons.

95. It was not morally acceptable to pay tribute to the plight of victims of transatlantic slavery one day and on another to pay less than minimal respect and attention to the groundbreaking and unanimous call of African leaders for global action against modern-day forms of slavery. The draft resolution, however, had broken through the convenient and comfortable pattern of "business as usual" on human trafficking. The victims of human trafficking deserved better: the United Nations did its best when it was united.

96. *Draft resolution A/C.3/64/L.11/Rev.1 was adopted.*

Statement made in exercise of the right of reply

97. **Mr. Preston** (United Kingdom), in response to remarks made by the representative of Argentina regarding the sovereignty of the Falkland Islands, said that the position of the United Kingdom on that issue was well known and had been reiterated in the statement of the United Kingdom in exercise of the right of the reply in response to remarks made by the President of the Argentine Republic in the general debate at the fourth plenary meeting of the General Assembly on 23 September 2009. The United Kingdom had no doubt about its sovereignty over the Falkland Islands, and there could be no negotiations on that issue unless and until such time as the islanders so wished.

The meeting rose at 6.20 p.m.

United Nations A/C.3/64/SR.43

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Summary record of the 43rd meeting
Held at Headquarters, New York, on Thursday, 19 November 2009, at 10 a.m.

Chairperson: Mr. Penke ..... (Latvia)

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The meeting was called to order at 10.30 a.m.

Agenda item 64: Report of the Human Rights Council (*continued*) (A/C.3/64/L.61)

Draft decision A/C.4/64/L.61: Report of the Human Rights Council

1. **Mr. Khane** (Secretary of the Committee) announced that since the Secretariat had made editorial changes to the text before the Committee, the representative of Zambia, the sponsor of the draft decision on behalf of the States Members of the United Nations that were members of the Group of African States, had requested that the consideration of the text be postponed until the afternoon meeting.

2. *It was so decided.*

Agenda item 104: Crime prevention and criminal justice (*continued*) (A/C.3/64/L.11/Rev.1 and L.12/Rev.1)

Draft resolution A/C.3/64/L.11/Rev.1: Improving the coordination of efforts against trafficking in persons (continued)

3. **Mr. Mokin** (Russian Federation) said that since the problems addressed in the draft resolution required joint action and real political will, he welcomed the adoption of the text by consensus. The Russian Federation would have preferred a text with greater focus on specific measures, particularly a United Nations global plan of action on preventing trafficking in persons, but welcomed the fact that an acceptable compromise had been reached and was pleased to have joined the list of sponsors.

4. **Ms. Kondolo** (Zambia), speaking on behalf of the Group of African States, said that the draft resolution would help improve the lot of victims of trafficking throughout the world. The Group of African States welcomed the political will shown by all States, which had enabled the text to be adopted by consensus. Mindful of the seriousness of the phenomenon of trafficking, the leaders of the Non-Aligned Movement, at their meeting in Sharm El-Sheik, had called for the adoption of a United Nations global plan of action to enable Member States, intergovernmental organizations, civil society and the private sector to coordinate their struggle against human trafficking, taking account of all relevant legislation, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Group of African States welcomed the initiatives that had been taken in other regions of the world and noted that the draft resolution would allow the General Assembly to continue its discussion of the adoption of a global plan of action, in accordance with resolution 63/194, with the involvement of all Member States and stakeholders. The Group also welcomed the efforts of the Secretary-General, the United Nations High Commissioner for Human Rights, and the Special Rapporteur on trafficking in persons, especially women and children, who had encouraged Member States to combat trafficking even more actively, and the coordinating role played by the United Nations Office on Drugs and Crime. Victims of trafficking could be found on every continent, regardless of race or ethnic origin. The Group of African States was determined to help them and to put an end to impunity for traffickers, and urged all delegations to join the struggle.

5. **Mr. Chiriboga** (Ecuador) said that in 2004, his country had made combating trafficking a priority, waged on three fronts: prevention, suppression and protection of the victims. In 2006, Ecuador had adopted a national plan to combat human trafficking and other forms of exploitation, which included initiatives by non-governmental organizations and those resulting from international cooperation. Member States must eradicate human trafficking, which was a new form of slavery that made no distinctions of gender, age or social status. People in developing countries were the most vulnerable to trafficking, since poverty facilitated both the hunt for victims and their exploitation. National and regional measures were not sufficient to address the magnitude of the issue; Ecuador supported the United Nations initiative aimed at tackling all aspects of the problem, with the ultimate goal of adopting a global plan of action that would enable human trafficking to be combated effectively in countries of origin, transit and destination.

6. **Mr. Bennwik** (Sweden), speaking on behalf of the European Union; the candidates countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina and Montenegro; and, in addition, Iceland, the Republic of Moldova and Ukraine, expressed satisfaction that the text had been adopted by consensus. The European Union was firmly committed to combating human

trafficking and to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and saw the increase in the number of parties to the Protocol as a sign of the political will of States to combat that scourge. The European Union was firmly convinced that the international community must commit to establishing a mechanism to monitor the ratification and implementation of the Convention and the Protocol, and therefore supported the establishment of a global plan of action. European Union member States had launched several national and regional initiatives on the issue but much remained to be done, in particular with regard to the trafficking and exploitation of children and in terms of understanding and addressing the needs of the victims. Combating trafficking and protecting the victims were two priorities of the European Union, as reiterated by participants at the October 2009 Ministerial Conference in Brussels. The European Union welcomed the appointment of co-facilitators to start consultations and consideration by Member States of a global plan of action, but stressed the importance of avoiding any duplication of other instruments, particularly the Convention and the Protocol, and any diversion of efforts that should be dedicated to their implementation.

7. **Ms. Medal** (Nicaragua) welcomed the adoption of the draft resolution by consensus but expressed disappointment at the lack of interest by some States in the plan of action, which would however lead to a stronger and more coordinated implementation of anti-trafficking instruments. The plan of action must be based on a broad consensus in the international community; Nicaragua called on all countries that expressed opposition to human trafficking to participate in its establishment.

8. **Mr. Michelsen** (Norway) said that his country remained fully committed to combating human trafficking and supported the Convention and the Protocol, the main instruments on the matter, without reservation. The increase in the number of States parties to the Protocol reflected the political will to wage that struggle. Norway believed that before adopting new instruments, the existing ones should be implemented fully and that implementing the Protocol was the best way to combat human trafficking at the global level. In that regard, the Conference of the Parties to the Convention should have an efficient and independent monitoring mechanism, and Norway would work towards that end.

9. **Mr. Takashima** (Japan) said that his country was determined to combat human trafficking, a struggle that required coordination and effective action. The consultations should aim to determine the most effective way to combat human trafficking, and the plan of action was one possibility. Japan would participate constructively in open and transparent consultations that took account of the opinion of all Member States, including those that doubted the usefulness of the plan of action.

10. **Mr. Monterrey Suay** (El Salvador) said that his country would have preferred a text with greater emphasis on the protection of victims, women and children in particular, but welcomed the adoption of the draft resolution by consensus. El Salvador would have become a sponsor if that had still been a possibility.

11. **Mr. Kidwell** (United States of America) said that the United States of America shared the common desire to renew collective efforts to confront human trafficking. Much work remained to be done but the international community should focus on implementing the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. While more countries had become parties to the Protocol, the number of prosecutions of traffickers had gone down by 35 per cent in six years and the number of convictions remained much too low. Effective enforcement of laws was the only viable deterrent. It was worth noting that non-parties could participate in the Conference of the Parties as observers and that decisions taken by consensus often included the input of observers. States that chose not to participate were not truly committed to combating human trafficking. The United States of America was sceptical about the usefulness of a global plan of action and believed that States should do more at the national level to prevent trafficking, punish the traffickers and protect the victims. International coordination should aim to enable donors and implementers to work with Governments that had limited resources to achieve that goal.

Draft resolution A/C.3/64/L.12/Rev.1: Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

12. **Mr. Khane** (Secretary of the Committee) presented a statement of programme budget implications of the draft resolution in accordance with rule 153 of the rules of procedure of the General Assembly. The technical assistance and advisory services referred to in paragraph 6 of the draft resolution would be financed by extrabudgetary resources. The finalization of the Santo Domingo Pact, the Managua Mechanism document and other regional programmes referred to in paragraph 7 of the draft resolution would be subject to the availability of extrabudgetary resources. With respect to the request in paragraph 12, he referred to section 16 of the proposed programme budget for the biennium 2010-2011. The request made in paragraph 20 would entail a requirement for an additional amount of $448,200 in the proposed programme budget for the biennium 2010-2011, including $421,900 under section 2, General Assembly and Economic and Social Council affairs and conference management, for interpretation at four meetings and the issuance of 96 pages of documentation, $16,400 under section 16 for travel of meeting servicing staff and $9,900 under section 28D, Office of Central Support Services. The amounts requested under sections 2 and 28D would be covered by resources allocated to the General Assembly on dates to be determined in consultation with the Department for General Assembly and Conference Management. Every effort would be made to absorb the travel expenses of meeting servicing staff within the appropriation for the biennium 2010-2011. With regard to the treaty event mentioned in paragraph 21, any additional requirement should be covered by the proposed budget resources under section 8, Legal affairs, and section 27, Public information. The enhancement of technical assistance for cooperation in combating terrorism referred to in paragraph 25 would be subject to the availability of extrabudgetary resources. With respect to paragraphs 23 and 30, resources under section 16 of the proposed programme budget for the biennium 2010-2011 amounted to $38,258,800 before recosting, which was 1.8 per cent higher than the revised appropriation for the biennium 2008-2009. Finally, the organization of a high-level segment during the fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime referred to in paragraph 31 would have no budget implications if no more than 20 meetings were planned for the Conference of the Parties. Adoption of the draft resolution would therefore have no budget implications under the proposed programme budget for the biennium 2010-2011. He recalled the provisions of resolution 45/248 B on the prerogatives of the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions with respect to administrative and budgetary matters.

13. He noted that Andorra should be replaced by Algeria in the list of sponsors of the draft resolution.

14. **Mr. Mogini** (Italy) introduced draft resolution A/C.3/64/L.12/Rev.1 on behalf of its sponsors, which had been joined by the following countries: Albania, Australia, Costa Rica, Cuba, Ecuador, Eritrea, Ghana, Iceland, India, Indonesia, Kazakhstan, Liechtenstein, Mongolia, Montenegro, Morocco, Netherlands, Nicaragua, Norway, Senegal, Suriname, Thailand and Turkey.

15. **The Chairperson** announced that the following countries had also become sponsors of the draft resolution: Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Barbados, Bangladesh, Belarus, Belize, Botswana, Burkina Faso, Cameroon, Cape Verde, Côte d'Ivoire, Congo, Democratic Republic of the Congo, Grenada, Guinea, Haiti, Jamaica, Kenya, Lebanon, Liberia, Madagascar, Malawi, Mali, Namibia, Niger, Nigeria, Papua New Guinea, Philippines, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Serbia, Sierra Leone, Sudan, Swaziland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Uganda, Ukraine, United Republic of Tanzania, Uruguay, Zambia and Zimbabwe.

16. **Ms. Stefan** (Liechtenstein) said that her country, which had traditionally been a sponsor of the draft resolution, had made proposals in the current year that focused on the overall mandate of the United Nations Office on Drugs and Crime (UNODC) to strengthen domestic criminal justice systems in order to assist States, particularly in post-conflict situations, to investigate the most serious crimes, such as genocide, war crimes and crimes against humanity, and to prosecute the perpetrators. Liechtenstein regretted that, despite its proposals to revert to the language of previous resolutions, the draft resolution did not

contain any explicit or implicit reference to that important mandate. She hoped that the proposals would receive broader support at the next session.

17. *Draft resolution A/C.3/64/L.12/Rev.1 was adopted*

18. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said that her country had joined the consensus despite some reservations, particularly with respect to the fourteenth preambular paragraph referring to a common and shared responsibility to combat transnational organized crime and terrorism, a notion that was not enshrined in any existing regional instrument or international convention on counter-terrorism. She recalled that there was no internationally agreed definition of terrorism, including State terrorism. The fourteenth preambular paragraph was a distorted interpretation of the third paragraph of the Bangkok Declaration, which referred to the need to improve international cooperation in combating crime and terrorism at the multilateral, regional and bilateral levels in a spirit of common and shared responsibility, but did not in any way establish a common and shared responsibility. If such a responsibility actually existed, no State would openly protect or refuse to extradite notorious terrorists such as the Cuban Luis Posada Carriles, the perpetrator of numerous terrorist attacks, including an attack against a Cuban aircraft travelling from Venezuelan territory that had killed more than 70 people.

19. Her delegation also had reservations as to the eleventh preambular paragraph referring to the links between the illicit trafficking in firearms and transnational organized crime and other forms of crime, including terrorism: it did not recognize the existence of systemic links between those offences, each of which had different motives and should be analysed on a case-by-case basis. Furthermore, the establishment of an automatic or permanent link was a denial of the presumption of innocence, a universally recognized principle in the area of human rights.

20. Lastly, her delegation regretted the obstacles that had prevented the holding of a transparent, open and constructive discussion of the paragraphs on which it had reservations. It intended to raise its concerns at the sixty-fifth session of the General Assembly with a view to achieving a more satisfactory text that reflected the position of all Member States.

Agenda item 105: International drug control (*continued*) (A/C.3/64/L.15/Rev.1)

Draft resolution A/C.3/64/L.15/Rev.1: International cooperation against the world drug problem

21. **Mr. Khane** (Secretary of the Committee) said that, in paragraph 7 (b) of the English version of the text, a semicolon should be inserted instead of a comma after the words "development programmes". With respect to the activities set out in paragraph 4, he said that technical assistance for States that requested it would be financed by extrabudgetary resources and referred to section 16 of the proposed programme budget for the biennium 2010-2011. With reference to the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, he said that the recommendations in paragraph 21 of the draft resolution would not entail any additional expenditures. Therefore, draft resolution A/C.3/64/L.15/Rev.1 had no programme budget implications. He recalled section VI of General Assembly resolution 45/248 B, which referred to the role of the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

22. He wished to underline the difference between a special session of the General Assembly and a high-level segment of the Economic and Social Council. A special session would probably have programme budget implications, because it would require practical arrangements and procedural steps similar to those for an ordinary session, such as the election of a president and the preparation of a provisional agenda, whereas a high-level segment would be easier to organize. He was providing those details so that the Member States could take a fully informed decision.

23. **Mr. Sánchez** (Mexico) said that the following countries had become sponsors of the draft resolution: Algeria, Austria, Canada, Croatia, Cuba, Democratic Republic of the Congo, Denmark, France, Germany, Guyana, India, Indonesia, Ireland, Israel, Jamaica, Japan, Kazakhstan, Mongolia, Norway, Poland, Romania, Saint Lucia, Slovakia, Spain, Switzerland, Turkey, Ukraine and United States of America. In his view, the number of sponsors of the draft resolution confirmed the determination of the international community to combat the drug problem at the global level through the adoption of an integrated and

balanced strategy. The draft resolution had been discussed at several sets of constructive informal consultations that had made it possible to take into account the concerns expressed about efforts to combat the drug problem, which were a shared responsibility and must be conducted through international cooperation while also respecting the sovereignty, territorial integrity and legal equality of States. He welcomed the Secretary's remarks regarding the correction to paragraph 7 (b) and the recommendation set out in paragraph 21, which he also believed had no financial implications, and which would be considered during deliberations at the sixty-fifth session of the General Assembly.

24. **The Chairperson** announced that Albania, Angola, Bahamas, Barbados, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Burkina Faso, Cameroon, El Salvador, Gabon, Gambia, Ghana, Greece, Guinea, Lesotho, Liberia, Lithuania, Malaysia, Malawi, Morocco, Papua New Guinea, Philippines, Saint Kitts and Nevis, San Marino, Suriname, Swaziland, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, United Republic of Tanzania and Zimbabwe had also become sponsors of the draft resolution.

25. **Mr. Mokin** (Russian Federation) said that his country did not wish to oppose the consensus on the draft resolution, but had chosen not to become a sponsor. The Russian Federation considered that the omnibus resolution adopted by the United Nations on the issue should be based on objective expert studies indicating the main global trends and threats, as that would determine the long-term effectiveness of international cooperation in dealing with the world drug problem. In particular, it was necessary to combat the illegal cultivation of opium poppies and the production and trafficking of narcotics from Afghanistan. The point was not to underline the particular problems of one country or pass judgment on its efforts to combat narcotics, but to take into account the role of opiates in the world drug market and the links between drug trafficking and terrorist groups in that country, and to recognize that narcotics from Afghanistan posed a worldwide threat. The Russian Federation was of the view that the scope of the problem should not be underestimated in the draft resolution and that there was no justification for removing from paragraph 18 the call to strengthen multifaceted international and regional cooperation, particularly with respect to Afghanistan. His delegation considered that, in the current year, Member States had unfortunately moved away from the balanced approach adopted in the omnibus resolutions of previous years, which had taken fully into account the priorities of international cooperation in combating the drug problem, a move that would only hinder the efforts of the international community.

26. **Mr. Romero** (Plurinational State of Bolivia) said that he was gratified that the draft resolution, which had achieved consensus among the Member States, included a provision in paragraph 7 (c) to take account of "the traditional licit uses of crops where there is historical evidence of such use". That was consistent with the proposal by the Plurinational State of Bolivia to amend article 49 of the Single Convention on Narcotic Drugs of 1961 regarding coca leaf chewing, a traditional practice whose long history was well documented and which should therefore be preserved. He hoped that all delegations would approve the proposal, which would be a strict implementation of the draft resolution. In any case, the Plurinational State of Bolivia reiterated its full commitment to combating the illicit trafficking in narcotics.

27. *Draft resolution A/C.3/64/L.15/Rev.1, as orally corrected, was adopted.*

28. **Mr. Bennwik** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, and Montenegro; and, in addition, the Republic of Moldova and Ukraine, welcomed the Political Declaration and the Action Plan adopted by the Commission on Narcotic Drugs, and congratulated the sponsors of the draft resolution for their harmonization efforts. The negotiations had indeed led to a longer and more comprehensive text. However, the European Union would have preferred the draft resolution to have a greater focus on the issue of demand, as well as on the prevention and treatment of HIV. It was for that reason that some European Union member States had not been able to join the sponsors of the draft resolution, which had nonetheless given rise to some constructive informal consultations.

29. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) expressed regret that her country had not been able to become a sponsor of the draft resolution,

due to reservations over paragraph 9. The Bolivarian Republic of Venezuela did not believe there was a systemic link between different types of offences — including terrorism — since each category of offence had different motives. The establishment of such a link ignored the rights of due process and the principle of the presumption of innocence. Nevertheless, she confirmed her delegation's support for the draft resolution and reiterated Venezuela's commitment to combating illegal drug trafficking.

Agenda item 62: Advancement of women (*continued*)

(a) Advancement of women (*continued*)

Draft resolution A/C.3/64/L.18/Rev.1: Violence against migrant women workers

30. **The Chairperson** said that the draft resolution had no programme budget implications.

31. **Ms. Banzon-Abalos** (Philippines) announced that Argentina, the Congo, the United Republic of Tanzania and the United States of America had become sponsors of the draft resolution. She wished to make the following oral revisions: the English title should be changed from "Violence against migrant women workers" to "Violence against women migrant workers", a change that did not affect the French version; in paragraph 5, the phrase "consistent with their obligations under agreed international human rights instruments" should be amended to read "consistent with their human rights obligations and commitments under human rights instruments"; and in paragraph 17, the phrase "to direct the competent authorities within their jurisdiction to inform her of her rights in this regard and", should be replaced by the phrase: "to ensure that competent authorities respect her freedom to communicate with and have access to the consular officials of the country of her nationality, and in this regard", and the word "origin" should be replaced by the word "nationality".

32. The ambitious draft resolution, which she hoped would be adopted by consensus, advocated respect for the dignity of migrant women workers, including those employed in the domestic or informal sectors. Cooperation between the authorities of the country of destination and the consular officials of the country of origin was crucial to the protection of their rights, in particular the right of access to health-care services and to redress mechanisms in the event that their rights were violated.

33. **Mr. Khane** (Secretary of the Committee) announced that Angola, Azerbaijan, Bangladesh, Belize, Bosnia and Herzegovina, Brazil, Cape Verde, Chile, Colombia, Comoros, Costa Rica, Ghana, Haiti, India, Jamaica, Kenya, Mali, Mexico, Mozambique, Papua New Guinea, Rwanda and Uruguay had become sponsors of the draft resolution.

34. *Draft resolution A/C.3/64/L.18/Rev.1, as orally revised, was adopted.*

35. **Mr. Vinluan** (Singapore) said that Singapore reaffirmed its commitment to protect the rights of women migrant workers and had joined the consensus on the draft resolution, but noted that the provisions must be implemented within the applicable legal and regulatory framework in each country.

Agenda item 62: Advancement of women (*continued*)

(b) Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly (*continued*) (A/C.3/64/L.60)

Draft resolution A/C.3/64/L.60: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

36. **The Chairperson** said that the draft resolution contained no programme budget implications.

37. *Draft resolution A/C.3/64/L.60 was adopted.*

38. **The Chairperson** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Committee on the Elimination of Discrimination against Women on its forty-second and forty-third sessions (A/64/38), the note by the Secretary-General transmitting the report on the future operation of the International Research and Training Institute for the Advancement of Women (A/64/79-E/2009/74) and the note by the Secretary-General transmitting the report of the activities of the United Nations Development Fund for Women (A/64/164 and Add.1).

39. *It was so decided.*

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/C.3/64/L.53)

Draft resolution A/C.3/64/L.53: Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

40. **Mr. Khane** (Secretary of the Committee) recalled that the following countries had become sponsors of the draft resolution: Belarus, Benin, Côte d'Ivoire, Ethiopia, Kazakhstan, Kyrgyzstan, Nicaragua, Nigeria, Tajikistan and Turkmenistan.

41. **Mr. Lukiyantsev** (Russian Federation), introducing draft resolution A/C.3/64/L.53 on behalf of its sponsors, who now also included Bolivia, Eritrea and South Africa, said that the sponsors had striven from the start to ensure the text was balanced and acceptable to all delegations by holding open consultations and bilateral meetings, as a result of which they had decided to revise the text as follows: the words "as well as similar extremist ideological movements" should be added at the end of the fifth preambular paragraph; in paragraph 1, the beginning of the paragraph should read "Reaffirms the relevant provisions of the Durban Declaration and of the outcome document of the Durban Review Conference, in which States"; in the English version of paragraph 2, the word "Welcomes" should be replaced by "Takes note with appreciation of"; in paragraph 3, the words "as outlined in her report to the General Assembly" should be deleted; in paragraph 8, after the words "the anti-Hitler coalition", the word "or" should be replaced by the word "and", and the words "those practices are" should be replaced by the words "failure by States to effectively address such practices", and each occurrence of the words "are incompatible" should be changed to "is incompatible"; in paragraph 11, the words "the particular importance of education" should be replaced by the words "the particular importance of all forms of education, including human rights education"; a new paragraph 12 bis should be added, to read as follows: "Stresses the importance of other measures and positive initiatives aiming at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives which require continued State support"; in paragraph 15, after the words "hostility or violence", the word "shall" should be changed to "should"; in paragraph 19, the words "within exiting resources" should be deleted (a revision made after consulting with the Secretariat, which had confirmed that the necessary resources had already been allocated to the mission of the Special Rapporteur); and in paragraph 21, the word "Urges" should be replaced by the word "Encourages".

42. His delegation stressed that it was the struggle against Nazism and its racist theories that had united Member States and led to the establishment of the United Nations and that any attempt to rewrite history ran counter to the letter and the spirit of the Charter.

43. **Mr. Khane** (Secretary of the Committee) announced that the Seychelles and Uganda had joined the sponsors of the draft resolution as orally revised.

44. **Ms. Kolontai** (Belarus) thanked the Russian delegation for keeping open the Committee agenda item concerning the inadmissibility of the resurgence of Nazism, Fascism and violent nationalist and racist ideologies. The Second World War, during which Belarus had lost one third of its population, had been the greatest tragedy of the twentieth century. To remember the lessons of that war was a moral duty both to those who had fallen and to future generations. That was one of the main objectives of the draft resolution, which her delegation called upon other States Members to support.

45. **The Chairperson** said that a recorded vote had been requested on the draft resolution, as orally revised.

46. **Mr. Lukiyantsev** (Russian Federation) asked which delegation had made that request.

47. **The Chairperson** said that it had been the United States delegation.

48. **Ms. Phipps** (United States of America), speaking in explanation of vote before the vote, said that her country was also revolted by any attempt to glorify Nazi ideology and unreservedly condemned any manifestation of religious intolerance. However, the text as presented did not differentiate between statements which, while they could be offensive,

should nonetheless enjoy protection under the right of freedom of expression, and criminal acts that were motivated by prejudice, which must always be outlawed. In a free society, hateful ideas were doomed to failure because they had no solid basis. The best way to fight intolerance was not to forbid offensive language, but to combine effective judicial protection with Government action on behalf of minorities and religious groups, and energetically defend freedom of religion and expression. Not having been able to amend the text of the draft resolution in order to bring it into line with the basic constitutional principles of the United States, her delegation would not be able to vote in favour thereof.

49. **Ms. Mårtensson** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina and Montenegro; and, in addition, Georgia, Iceland, Liechtenstein, Norway, the Republic of Moldova and Ukraine, said that the European Union believed that the struggle against neo-Nazism was part of the struggle against all forms of racism and racial discrimination that should bring all countries together. It was for that reason, and in order to forge a real and serious response to the scourge of neo-Nazism, from which no continent was free, that the European Union had taken an active part in the informal consultations with the sponsors of the draft resolution. The European Union was happy that paragraph 8 of the draft resolution, as revised on the basis of some of its proposals, now ascribed racist practices to individuals and groups rather than to States.

50. Nevertheless, the European Union regretted that not all the proposals submitted by the various delegations had been more thoroughly considered, and that some of its most serious concerns regarding human rights in relation to racial discrimination and racism had not been taken into consideration. As had been the case in previous years, the draft resolution addressed human rights in a selective manner and risked diverting attention from real problems: the new paragraphs that had been included only further watered down the substance of the text. The European Union regretted that once again, the Judgement of the International Military Tribunal (Nuremberg trial) had been only loosely cited. While it was firmly convinced of the need to combat all forms of racism, it believed that the International Convention on the Elimination of All Forms of Racial Discrimination, articles 4 and 5, should be strictly complied with and any violation of human rights and fundamental freedoms must be prevented. The draft resolution did not underline that point.

51. The European Union considered it superfluous to require the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to report to the General Assembly and the Human Rights Council on the implementation of the resolution: the regular reports that the Special Rapporteur presented to those two bodies already provided a comprehensive picture of the situation. For all those reasons, the European Union would abstain during the vote on the draft resolution.

52. *A recorded vote was taken on draft resolution A/C.3/64/L.53, as orally revised.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of

Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Namibia, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland.

53. *Draft resolution A/C.3/64/L.53, as orally revised, was adopted by 124 votes to 1, with 55 abstentions.*

54. **Mr. Vigny** (Switzerland), while thanking the Russian Federation for having taken into account several proposals for amendments and, in particular, some of those put forward by Switzerland, explained that his delegation had had to abstain from the vote because the draft resolution did not address all contemporary forms of racism and should have been integrated into the draft resolution on racism (A/C.3/64/L.54).

Agenda item 68: Right of peoples to self-determination (*continued*) (A/C.3/64/L.57)

Draft resolution A/C.3/64/L.57: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

55. **Mr. Khane** (Secretary of the Committee) recalled that Benin, Comoros, Ecuador, El Salvador, Gambia, the Libyan Arab Jamahiriya, South Africa and Swaziland had become sponsors of the draft resolution. Referring to paragraphs 17, 19 and 20 of the draft resolution, he cited paragraphs 7 and 8 of the report of the Secretary-General concerning revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its tenth and eleventh sessions (A/64/353) and indicated that the draft resolution had no programme budget implications.

56. **Ms. Pérez Álvarez** (Cuba), introducing draft resolution A/C.3/64/L.57 on behalf of the sponsors, who had been joined by the Dominican Republic, reaffirmed the importance of the draft resolution and expressed concern at the link between mercenary activities and terrorism. At the request of numerous African delegations, paragraph 13 had been revised and now exactly reflected the text of General Assembly resolution 63/164, paragraph 13. Furthermore, paragraph 14 should become paragraph 17 bis.

57. **The Chairperson** said that a recorded vote had been requested.

58. **Ms. Pérez Álvarez** (Cuba) asked which delegation had made that request.

59. **The Chairperson** said that it had been the United States delegation.

60. **Mr. Bennwik** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, the Republic of Moldova and Ukraine, said that the European Union could not vote in favour of the draft resolution. While concerned by the danger posed by mercenary activities that had been mentioned in the report of the working group, particularly with respect to the length and nature of armed conflicts, the European Union believed that the matter did not fall within the competence of either the Committee or the Human Rights Council, and should not be considered from the point of view of human rights violations or constraints on the exercise of the right of peoples to self-determination. The European Union was determined to pursue in other bodies the dialogue on the formulation of a definition of mercenary activities and on the link between mercenary activities and terrorism, subjects which were included in the remit of the Sixth Committee.

61. *A recorded vote was taken on draft resolution A/C.3/64/L.57, as orally revised.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia

(Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Fiji, Saint Kitts and Nevis, Switzerland, Timor-Leste, Tonga.

62. *Draft resolution A/C.3/64/L.57, as orally revised, was adopted by 122 votes to 53, with 5 abstentions.*

63. **Ms. Sapag** (Chile) thanked the delegation of Cuba for having deleted paragraph 9, concerning new forms of mercenary activity, thereby enabling her to vote in favour of the draft resolution. In her view, such forms of mercenary activity had not been defined in any judicial instrument.

64. **Mr. Díaz Bartolomé** (Argentina) said that he believed that the draft resolution should be interpreted and applied in the light of the relevant resolutions adopted by the General Assembly and the Special Committee on Decolonization, which took into account the special situation of the Malvinas Islands. In that regard, he cited the last preambular paragraph and paragraph 1 of General Assembly resolution 2065 (XX), and also recalled the content of paragraph 1 of General Assembly resolution 1514 (XV). He concluded by affirming that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounded maritime areas were illegally occupied by the United Kingdom of Great Britain and Northern Ireland, which had expelled the local population in order to install its own nationals there.

Agenda item 69: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/64/L.28, L.29, L.30/Rev.1, L.40, L.42/Rev.1 and L.47)

Draft resolution A/C.3/64/L.28: Promotion of a democratic and equitable international order

65. **Mr. Khane** (Secretary of the Committee) recalled that Algeria, Congo, Côte d'Ivoire, Ethiopia, Lebanon, Pakistan, Paraguay and Uzbekistan had become sponsors of the draft resolution.

66. **The Chairperson** said that the draft resolution had no programme budget implications.

67. **Ms. Pérez Álvarez** (Cuba) introduced the draft resolution on behalf of its sponsors, who had been joined by Burkina Faso, the Democratic Republic of Congo, Lesotho, Seychelles, Sierra Leone, Solomon Islands, Swaziland and Syrian Arab Republic.

68. **Mr. Khane** (Secretary of the Committee) announced that Botswana, Comoros, Ghana, Madagascar, Mali and Zambia had also become sponsors of the draft resolution.

69. **The Chairperson** said that a recorded vote on the draft resolution had been requested.

70. **Ms. Pérez Álvarez** (Cuba) asked which delegation had made that request.

71. **The Chairperson** said that it had been the United States delegation.

72. **Mr. Bennwik** (Sweden), speaking in explanation of vote before the vote on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process country Montenegro; and, in addition, the Republic of Moldova and Ukraine, said that the European Union believed that several parts of the draft resolution did not fall within the competence of the Committee and were cited in a selective and random manner, completely out of context. Furthermore, the draft resolution stressed the international obligation to control the globalization mechanism, but made no mention of State duties and responsibilities in that regard. The European Union would therefore vote against the draft resolution.

73. *A recorded vote was taken on draft resolution A/C.3/64/L.28.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Armenia, Chile, Mexico, Peru.

74. *Draft resolution A/C.3/64/L.28 was adopted by 121 votes to 54, with 5 abstentions.*

Draft resolution A/C.3/64/L.29: Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

75. **Mr. Khane** (Secretary of the Committee) recalled that Cambodia, Democratic Republic of the Congo, Ecuador, Ethiopia, Guinea-Bissau, Pakistan, Russian Federation, Rwanda and Turkmenistan had become sponsors of the draft resolution.

76. **The Chairperson** said that the draft resolution had no programme budget implications.

77. **Ms. Pérez Álvarez** (Cuba) introduced draft resolution A/C.3/64/L.29 on behalf of its sponsors, who had been joined by Botswana, Burkina Faso, Dominican Republic, Lesotho, Mali, Namibia, Seychelles and Sierra Leone. She hoped that the draft resolution would once more be adopted by consensus.

78. **Mr. Khane** (Secretary of the Committee) announced that Botswana, Cameroon, Colombia, Comoros, Ghana, Solomon Islands, Saint Kitts and Nevis, United Republic of Tanzania and Zambia had also become sponsors of the draft resolution.

79. *Draft resolution A/C.3/64/L.29 was adopted.*

The meeting rose at 1.05 p.m.